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E.O. 12958: DECL: 08/31/2029  
TAGS: [KACT](#) [PARM](#) [START](#) [US](#) [RS](#)  
SUBJECT: SUPPLEMENTAL GUIDANCE FOR U.S. START FOLLOW-ON  
TREATY DELEGATION (DRAFT NEW START TREATY INSPECTION  
PROTOCOL) (CABLE 1 OF 7)

REF: A. STATE 088262 (U.S.-PROPOSED TREATY TEXT PART 1)  
[1](#)B. STATE 088263 (U.S.-PROPOSED TREATY TEXT PART 2)  
[1](#)C. STATE 088259 (U.S.-PROPOSED DEFINITIONS ANNEX  
PART 1)  
[1](#)D. STATE 088260 (U.S.-PROPOSED DEFINITIONS ANNEX  
PART 2)

Classified By: Jerry A. Taylor, Director, VCI/SI.  
Reason: 1.4(b) and (d)

[1](#)1. (S) BACKGROUND: On August 25, 2009, U.S. Embassy Moscow provided the texts of the Draft New START Treaty Articles and the associated Definitions Annex to the Russian Federation (Refs A-D). This cable contains the U.S.-proposed draft of the New START Treaty Inspection Protocol. A courtesy Russian language translation will be sent to the Delegation in Geneva by e-mail. The Annexes to the Inspection Protocol will be sent Septel when they are complete, but are unlikely to be finished prior to the end of the August 31-September 3, 2009 session.

[1](#)2. (S) This is the first of seven cables. This cable contains Section I through paragraph 30 of Section III of the U.S.-proposed Draft Inspection Protocol. Delegation and Embassy should note that, due to the length of the draft, the text was sent using multiple cables.

[1](#)3. (S) GUIDANCE: Delegation should provide a copy, including the courtesy Russian language translation, of the U.S.-proposed Draft Inspection Protocol to the Russian Delegation and, as time permits, explain the U.S. positions on the Protocol. Delegation should encourage Russian questions and reactions to the U.S. text and seek to identify areas of agreement and disagreement. Delegation should explain that the associated Inspection Protocol Annexes will be provided as soon as possible.

[1](#)4. (U) ACTION REQUEST: Embassy Moscow is requested to combine the texts of the U.S.-proposed draft New START Treaty Inspection Protocol contained in the associated cables into one document and provide a courtesy copy of that text to appropriate host government officials. Embassy Moscow should explain that the U.S. Delegation in Geneva provided the Russian Delegation a paper and electronic copy of the text as well as a courtesy Russian-language translation of the text. Embassy is requested to confirm delivery of the text, the name and office of the official to whom it was delivered, the date of delivery, and any comment or reaction provided at that time.

15. (S/Releasable to the Russian Federation) Begin text:

August 31, 2009

PROTOCOL ON INSPECTIONS, EXHIBITIONS, AND CONTINUOUS  
MONITORING ACTIVITIES RELATING TO THE TREATY BETWEEN THE  
UNITED STATES OF AMERICA AND THE RUSSIAN FEDERATION ON  
MEASURES FOR THE FURTHER REDUCTION AND LIMITATION OF  
STRATEGIC OFFENSIVE ARMS

Pursuant to and in implementation of the Treaty Between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, hereinafter referred to as the Treaty, the Parties hereby agree upon procedures governing the conduct of inspections and continuous monitoring activities provided for in Article XI of the Treaty.

I. General Obligations

For the purpose of helping to ensure verification of compliance with the provisions of the Treaty, each Party shall facilitate the conduct of inspections and continuous monitoring activities by the other Party in accordance with the provisions of this Protocol.

II. Provisions Concerning the Legal Status of Inspectors, Monitors, and Aircrew Members

1. Inspections and continuous monitoring activities shall be conducted by inspectors and monitors. Except as provided for in paragraph 6 of Section IV of this Protocol, inspectors and monitors shall be transported to the territory of the inspected Party by inspection airplanes. Inspectors and monitors, as well as aircrew members that operate these airplanes, shall be assigned in accordance with paragraphs 2, 3, 4, and 5 of this Section.

2. The list of inspectors shall not contain at any one time more than 400 individuals, and the list of monitors shall not contain at any one time more than 300 individuals. The number of individuals on the list of aircrew members shall not be limited. Inspectors and monitors shall be citizens of the inspecting Party. The Parties shall have the right to change, by mutual agreement, the number of inspectors and monitors that each of these lists may contain. For each proposed inspector, monitor, and aircrew member, the lists shall contain first name, middle name or patronymic, and last name; day, month, and year of birth; city, state or oblast, and country of birth; and passport number, if available.

3. Each Party shall have the right to inform the other Party of its agreement with, or objection to, the designation of each inspector, monitor, and aircrew member proposed, by providing a notification in accordance with paragraph 21 of Section III of this Protocol.

4. Subject to the provisions of paragraph 2 of this Section, each Party shall have the right to amend its lists of inspectors, monitors, and aircrew members no more than once in each 21-day period, by providing the other Party with a notification in accordance with paragraph 20 of Section III of this Protocol. With each change, the number of inspectors whose names are entered in the list of inspectors shall not exceed 30, the number of monitors whose names are entered in the list of monitors shall not exceed 25 and the number of aircrew members whose names are entered in the list of aircrew members shall not exceed 25. The Party receiving notification of an amendment to the list of inspectors, monitors, or aircrew members shall provide notification to the other Party, in accordance with paragraph 21 of Section III of this Protocol, of its agreement with or objection to the designation of each such inspector, monitor, or aircrew member.

15. No later than 25 days after entry into force of the Treaty, or no later than 30 days after receipt of a notification of amendments to the lists of inspectors, monitors, or aircrew members, the Party receiving such lists or proposed amendments thereto shall provide visas and, where necessary, such other documents to each individual to whom it has agreed, as may be required to ensure that each inspector, monitor, or aircrew member may enter and remain in the territory of that Party throughout the in-country period. The inspected Party shall ensure that such visas and appropriate documents shall be valid for a period of at least 24 months, and the inspecting Party shall ensure that persons receiving such visas and appropriate documents shall use them only for the purpose of conducting inspections or continuous monitoring activities in accordance with the provisions of the Treaty and its Protocols.

16. An individual on the list of inspectors may be objected to only if that individual is under indictment for a criminal offense on the territory of the inspected Party or if that individual has been convicted in a criminal prosecution or expelled by the Party reviewing the list. An individual on the list of monitors or aircrew members may be objected to if that individual is found unacceptable by the Party reviewing the list. The Party making such an objection shall so notify the other Party in accordance with paragraph 21 of Section III of this Protocol. Individuals who are objected to shall be deleted from the lists. In the event the inspected Party subsequently determines that an inspector, monitor, or aircrew member of the other Party is under indictment for a criminal offense on the territory of the inspected Party or has ever been convicted in a criminal prosecution or expelled by the inspected Party, or has violated the conditions governing the conduct of inspections or continuous monitoring activities provided for in this Protocol, the inspected Party making such determination may so notify the inspecting Party in accordance with paragraph 22 of Section III of this Protocol. In the event that the inspecting Party is so notified, that Party shall promptly recall that individual from the territory of the inspected Party, if that individual is there at such a time. The inspecting Party shall also delete the individual from the list of inspectors, monitors, or aircrew members.

17. In order to exercise their functions effectively, for the purpose of implementing the Treaty and not for their personal benefit, the inspectors, monitors, and aircrew members shall be accorded the following privileges and immunities:

(a) Inspectors, monitors, and aircrew members shall be accorded the inviolability enjoyed by diplomatic agents in accordance with Article 29 of the Vienna Convention on Diplomatic Relations of April 18, 1961.

(b) The office premises, except for those in the operations center, and living quarters for monitors shall be accorded the inviolability and protection accorded to the premises of the mission and private residences of diplomatic agents in accordance with Articles 22 and 30 of the Vienna Convention on Diplomatic Relations.

(c) The papers and correspondence of inspectors, monitors, and aircrew members shall enjoy the inviolability accorded to the papers and correspondence of diplomatic agents in accordance with Article 30 of the Vienna Convention on Diplomatic Relations.

(d) Inspection airplanes shall be inviolable. This shall not affect airplanes making regularly scheduled commercial flights that are used for the transportation of inspectors and monitors to points of entry, or their aircrews.

(e) Inspectors, monitors, and aircrew members shall be accorded the immunities accorded diplomatic agents in

accordance with paragraphs 1, 2, and 3 of Article 31 of the Vienna Convention on Diplomatic Relations. The immunity from jurisdiction with respect to an inspector, monitor, or aircrew member may be waived by the inspecting Party in those cases when it is of the opinion that immunity would impede the course of justice and that it can be waived without prejudice to the implementation of the provisions of the Treaty. Waiver must always be express.

(f) Monitors shall be accorded the exemption from dues and taxes accorded to diplomatic agents in accordance with Article 34 of the Vienna Convention on Diplomatic Relations.

(g) Inspectors, monitors, and aircrew members of a Party shall have the right to bring into the territory of the other Party, without payment of any customs duties or related charges, articles for their personal use, with the exception of articles, the import or export of which is prohibited by law or controlled by quarantine regulations.

(h) If the inspected Party considers that there has been an abuse of privileges and immunities provided for in this paragraph, consultations shall be held between the Parties to determine whether such an abuse has occurred. If it is determined that such an abuse has occurred, the inspecting Party shall take necessary measures to prevent a repetition of such an abuse.

The privileges and immunities provided for in this paragraph shall be accorded for the entire time the inspectors, monitors, or aircrew members are within the territory of the other Party, and thereafter with respect to acts previously performed in the exercise of their official functions. During their stay in the territory of the inspected Party, without prejudice to the privileges and immunities provided for in this paragraph, inspectors, monitors, and aircrew members shall be obliged to respect the laws and regulations of the inspected Party, shall be obliged not to interfere in its internal affairs, and shall not engage in any professional or commercial activity for personal profit on the territory of the inspected Party.

### III. Notifications Concerning Inspections and Continuous Monitoring Activities

¶1. Each Party shall provide to the other Party the notifications provided for in this Section concerning inspections and continuous monitoring activities pursuant to Article VIII of the Treaty.

¶2. Notification of the standing diplomatic clearance number for inspection airplanes shall be provided no later than 30 days after entry into force of the Treaty, for the period until the end of the current calendar year, and subsequently no less than 30 days prior to the beginning of each following calendar year, and shall include:

- (a) standing diplomatic clearance number; and
- (b) calendar year.

¶3. Notification of an intention to conduct a data update, nuclear warhead, or formerly declared facility inspection pursuant to paragraph 2, 3, or 5 of Article XI of the Treaty, respectively, shall be provided no less than 24 hours in advance of the estimated time of arrival of the inspection team at the point of entry from outside the territory of the inspected Party and shall include:

- (a) the point of entry;
- (b) the date and estimated time of arrival at the point of entry;
- (c) the date and time for the designation of the

inspection site and the type of inspection; and

(d) the names of inspectors and aircrew members.

¶4. The date and time for the designation of the inspection site and the type of inspection specified in the notification provided in accordance with paragraph 3 of this Section shall be neither less than four hours nor more than 24 hours after the date and estimated time of arrival at the point of entry.

¶5. Notification of an intention to conduct a conversion or elimination inspection, or to participate in a distinguishability exhibition or technical characteristics exhibition pursuant to paragraph 4, 6, or 7 of Article XI of the Treaty, respectively, shall be provided no less than 72 hours in advance of the estimated time of arrival of the inspection team at the point of entry from outside the territory of the inspected Party and shall include:

(a) the point of entry;

(b) the date and estimated time of arrival at the point of entry;

(c) the inspection site and the type of inspection; and

(d) the names of inspectors and aircrew members.

¶6. Notification of an intention to replace inspectors conducting a conversion or elimination inspection pursuant to paragraph 4 of Article XI of the Treaty shall be provided no less than seven days in advance of the estimated time of arrival of replacement inspectors at the point of entry from outside the territory of the inspected Party and shall include:

(a) the point of entry;

(b) the date and estimated time of arrival at the point of entry;

(c) the inspection site;

(d) the names of the incoming replacement inspectors and outgoing inspectors being replaced, including the name of the incoming inspection team leader, if such a replacement is planned; and

(e) the names of aircrew members.

¶7. Notification of an intention to conduct a sequential inspection, as provided for in paragraph 36 or 37 of Section VI of this Protocol, shall be provided in writing through a member of the in-country escort and shall specify:

(a) for a data update, nuclear warhead, or formerly declared facility inspection conducted pursuant to paragraph 2, 3, or 5 of Article XI of the Treaty, respectively, whether the inspection team intends to go directly to the next inspection site or return first to the point of entry; or

(b) for a conversion or elimination inspection, technical exhibition, or distinguishability exhibition conducted pursuant to paragraph 4, 6, or 7 of Article XI of the Treaty, respectively, the next inspection site.

¶8. Notification of the date and time for the designation of the next inspection site and the type of inspection as provided for in paragraph 36 of Section VI or paragraph 19 of Section IX of this Protocol, shall be made in writing through a member of the in-country escort.

¶9. The date and time for the designation of the inspection site and the type of inspection shall be specified in the notification provided in accordance with paragraph 8 of

this Section, subject to the following conditions:

(a) If such notification is provided at the inspection site, the date and time for such designation shall be:

(i) no earlier than 18 hours after commencement of the period of inspection, except for cases where the notification is provided pursuant to paragraph 19 of Section IX of this Protocol;

(ii) no earlier than the completion of post-inspection procedures; and

(iii) no later than 12 hours after the completion of post-inspection procedures.

(b) If such notification is provided at the point of entry, the date and time for such designation shall be no earlier than four hours and no later than 24 hours after the return of the inspection team to the point of entry.

¶10. Notification of an intention to establish a perimeter and portal continuous monitoring system at a facility subject to continuous monitoring and of an intention to conduct an engineering site survey at such a facility, shall be provided no less than 30 days in advance of the estimated date of arrival at the point of entry of the monitoring team and engineering site survey equipment and shall include:

(a) the specification of the facility;

(b) the point of entry;

(c) the date and estimated time of arrival at the point of entry, and the preferred time of departure for the facility from the point of entry; and

(d) the names of the members of the monitoring team and aircrew members.

¶11. Notification of the date of commencement of continuous monitoring at a facility specified in the notification provided in accordance with paragraph 10 of this Section and of the initial arrival of monitors at that facility to carry out continuous monitoring, shall be provided no less than 30 days in advance of the estimated date of arrival of monitors at the point of entry and shall include:

(a) the specification of the facility;

(b) the date when the procedures for continuous monitoring at that facility will commence;

(c) the point of entry;

(d) the date and estimated time of arrival at the point of entry, and the preferred time of departure for the facility from the point of entry; and

(e) the names of the monitors and aircrew members.

¶12. Notification containing a request for logistic support for a facility specified in a notification provided in accordance with paragraph 10 of this Section shall include:

(a) the specification of the facility; and

(b) the request for logistic support in accordance with paragraph 19 of Section XIV of this Protocol.

¶13. Notification of an intention to enter the territory of the other Party to establish a perimeter and portal continuous monitoring system at a facility specified in a notification provided in accordance with paragraph 10 of this Section, shall be made no less than seven days in advance of the estimated date of arrival of the monitors at the point of entry, if monitors that carry out



continuous monitoring are present at that facility, and no less than 30 days in advance of the estimated date of arrival of the monitors at the point of entry, if no monitors that carry out continuous monitoring are present or have been present at that facility and shall include:

- (a) the point of entry;
- (b) the date and estimated time of arrival at the point of entry, and the preferred time of departure for the facility from the point of entry;
- (c) the specification of the facility; and
- (d) the names of the monitors and aircrew members.

¶14. Notification of an intention to enter the territory of the other Party to replace monitors at a facility specified in a notification provided in accordance with paragraph 11 or 13 of this Section, shall be provided no less than seven days in advance of the estimated date of arrival of the monitors at the point of entry and shall include:

- (a) the point of entry;
- (b) the date and estimated time of arrival at the point of entry, and the preferred time of departure for the facility from the point of entry;
- (c) whether the replacement shall be at the facility subject to continuous monitoring or monitored facility, or at the airport associated with such a facility;
- (d) the specification of the facility;
- (e) the names of the incoming monitors and aircrew members; and
- (f) the number of monitors to be replaced.

¶15. Notification of an intention to enter the territory of the other Party to maintain a perimeter and portal continuous monitoring system at a facility or facilities specified in a notification provided in accordance with paragraph 13 of this Section, shall be provided no less than seven days in advance of the estimated date of arrival of the monitors at the point of entry and shall include:

- (a) the point of entry;
- (b) the date and estimated time of arrival at the point of entry, and the preferred time of departure for the facility from the point of entry;
- (c) the specification of the facility or facilities; and
- (d) the names of the monitors and aircrew members.

¶16. Notification of an intention to move to another facility at which monitors are present, or to leave the territory of the inspected Party shall be provided no less than 48 hours in advance of the preferred time of departure, through a member of the in-country escort at the facility from which the monitors will leave, and shall include:

- (a) the preferred time of departure;
- (b) the destination;
- (c) the names of monitors;
- (d) for the movement to another monitored facility, the purpose of travel; and
- (e) the equipment and supplies to be transported by the

monitors.

¶17. Notification of an intention to use an inspection airplane in accordance with paragraph 4 of Section IV of this Protocol shall be provided no less than 20 days in advance of the estimated date of its arrival at the point of entry or airport associated with the facility subject to continuous monitoring or monitored facility, and shall include:

- (a) the type of airplane;
- (b) the specification of all the facilities subject to continuous monitoring or monitored facilities for which the equipment and supplies are intended;
- (c) the point of entry or the airport associated with the facility subject to continuous monitoring or monitored facility;
- (d) the estimated date of arrival at the point of entry or at the airport associated with the facility subject to continuous monitoring or monitored facility;
- (e) for each facility specified in subparagraph (b) of this paragraph, the approximate number of separate palletized or oversize units of cargo, including modular structures, and the approximate weight and dimensions of each such unit of cargo; and
- (f) the type and approximate amounts of hazardous materials carried on the airplane that require special safety measures in transportation and handling.

¶18. Notification of the confirmation of an intention to use an inspection airplane that has been notified in accordance with paragraph 17 of this Section shall be provided no less than seven days in advance of the estimated date of its arrival at the point of entry or airport associated with the facility subject to continuous monitoring or monitored facility, and shall include:

- (a) the number, time, and date of the notification provided earlier in accordance with paragraph 17 of this Section;
- (b) the date and estimated time of arrival at the point of entry or at the airport associated with the facility subject to continuous monitoring or monitored facility; and
- (c) the names of aircrew members.

¶19. Notification of the response to a request by the inspecting Party contained in a notification provided in accordance with paragraph 17 of this Section to land an inspection airplane at the airport associated with a facility subject to continuous monitoring or monitored facility shall be provided by the inspected Party no less than 72 hours prior to the estimated time of its arrival specified in a notification provided in accordance with paragraph 13, 14, 15, or 18 of this Section, and shall include:

- (a) in case the inspected Party permits the airplane to land at the airport associated with the facility specified in the notification provided in accordance with paragraph 17 of this Section:
  - (i) the name of the airport;
  - (ii) the route for the flight of the inspection airplane to the airport; and
  - (iii) whether or not an escort crew will be provided and, if provided, a list of the members of that aircrew; or
- (b) in case the inspected Party does not permit the



airplane to land at the airport associated with the facility specified in the notification provided in accordance with paragraph 17 of this Section, the point of entry associated with the facility.

¶20. Notification of amendments made to the list of inspectors, monitors, or aircrew members in accordance with paragraph 4 of Section II of this Protocol shall include:

- (a) the list or lists to be amended;
- (b) if any inspector, monitor, or aircrew member is removed from the lists, the first name, patronymic or middle name, and last name; day, month, and year of birth; city, oblast or state, and country of birth; and the passport number, if available, of the person removed; and
- (c) for each inspector, monitor, or aircrew member proposed for inclusion in the lists, the first name, patronymic or middle name, and last name; day, month, and year of birth; city, oblast or state, and country of birth; and passport number, if available.

¶21. Notification of agreement with or objection to the designation by the other Party of each inspector, monitor, or aircrew member proposed for inclusion on the lists provided for in paragraph 2 of Section II of this Protocol shall be provided no later than 20 days after entry into force of the Treaty or, with respect to subsequent amendments made to these lists, no later than 20 days after receipt of the notification provided in accordance with paragraph 20 of this Section, and shall include:

- (a) the corresponding list or lists;
- (b) for each inspector, monitor, or aircrew member, the first name, patronymic or middle name, and last name; day, month, and year of birth; city, oblast or state, and country of birth; and passport number, if available; and
- (c) for each inspector, monitor, or aircrew member, agreement with or objection to the designation of that person.

¶22. Notification of an objection to an inspector, monitor, or aircrew member who is currently on the list of inspectors, monitors, or aircrew members, shall include:

- (a) the corresponding list or lists;
- (b) for each inspector, monitor, or air-crew member, the first name, patronymic or middle name, and last name; day, month, and year of birth; city, oblast or state, and country of birth; and passport number if available; and
- (c) for each inspector, monitor, or aircrew member, the reason for the objection to that person.

¶23. Notification of a change or addition to the points of entry to the territory of the inspected Party shall be provided in accordance with paragraph 1 of Section IV of this Protocol through diplomatic channels no less than five months prior to the beginning of the use of the new point of entry, and shall include:

- (a) the point of entry to be changed, if applicable; and
- (b) the new point of entry.

¶24. Notification containing data concerning the flight plan of an inspection airplane shall be provided no less than six hours prior to the scheduled departure time of such an airplane from the last airfield prior to entering the airspace of the inspected Party.

¶25. Notification of the approval of the flight plan of an inspection airplane filed in accordance with paragraph 24

of this Section shall be provided by the inspected Party no less than three hours prior to the scheduled time for departure of such an airplane from the last airfield prior to entering the airspace of the inspected Party.

¶26. Notification of an intention to conduct the cargo examination at a location other than the facility subject to continuous monitoring or monitored facility shall be provided by the inspected Party no less than 120 hours in advance of the estimated time of arrival of an inspection airplane used in accordance with paragraph 4 of Section IV of this Protocol.

¶27. Notification of a change of a route for flights of inspection airplanes to and from a point of entry established on the territory of a Party shall be provided by that Party no less than 30 days in advance of the effective date of such change and shall include:

- (a) the point of entry;
- (b) the changed flight route, and
- (c) the effective date of such change.

¶28. Notification of the determination, in accordance with subparagraph 1(d) of Subsection E of Section VI of Annex 8 to this Protocol, of agreed geographic coordinates of reference points used at a point of entry for testing the operability of satellite system receivers, shall be provided by the inspected Party no later than 48 hours after such determination and shall include:

- (a) the point of entry;
- (b) the date of determination of the agreed geographic coordinates;
- (c) the agreed geographic coordinates of each of the reference points; and
- (d) a physical description of each of the reference points.

¶29. Notification of the intent to change, in accordance with subparagraph 1(h) of Subsection E of Section VI of Annex 8 to this Protocol, a reference point used at a point of entry for testing the operability of satellite system receivers, shall be provided by the inspected Party no less than seven days in advance of the proposed effective date of the change and shall include:

- (a) the point of entry;
- (b) the agreed geographic coordinates of the reference point to be changed;
- (c) the geographic coordinates of the new reference point; and
- (d) the proposed effective date of the change.

¶30. Notification of intention to use ground transportation vehicles and related services, in accordance with subparagraph 8(a) of Part B of Section IV of this Protocol, shall be provided by the inspecting Party to the inspected Party no less than 40 days in advance of the estimated date of provision of the vehicles at the facility subject to continuous monitoring or monitored facility, or at the point of departure of the cargo, and shall include:

- (a) the type of ground transportation vehicles requested and the number of vehicles of each type;
- (b) the estimated date of arrival of the ground transportation vehicles at the monitored facility or point

of departure of the cargo;

(c) the point of departure of the cargo;

(d) the approximate number of separate palletized or oversize units of cargo, including modular structures, and the approximate weight and dimensions of each such unit of cargo;

(e) the type and approximate amount of any hazardous materials to be carried by the ground transportation vehicles that require special safety measures during transportation and handling;

(f) the estimated route that will be used by the ground transportation vehicles when transiting between the point of departure of the cargo and the facility subject to continuous monitoring or monitored facility; and

(g) services requested of the inspected Party.

End text.

CLINTON